FARAD CONSTITUTION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE,
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.594/2007

Shri Shivshankar s/o Dayaram Makade
...Versus...
The Divisional Commissioner, Nagpur, Nagpur Division, Nagpur and others

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Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

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(Shri S.D. Chopde, Adv. for petitioner)
(Shri D.M. Kale, A.G.P. for respdt. Nos.1 & 2)
(Shri K.K. Thakkar, Adv. for respdt. No.3)

CORAM:- A.B. CHAUDHARI, J.
DATED :- 04.08.2007.

Heard Advocate Shri Chopde for petitioner, A.G.P. Shri Kale for respondent Nos.1 and 2 and Advocate Shri Thakkar for respondent No.3.

By recording concurrent findings of facts the Additional Collector as well as Commissioner in appeal held that the petitioner failed to prove that there was partition in the family and the petitioner was not a member of Hindu Undivided Family. The finding has been recorded that the theory of oral partition as

canvassed by the petitioner was not proved and no evidence of mutation of any nature whatsoever was produced to believe the said theory. Consequently, it was held that the petitioner being a member of Hindu Joint Joint Family and admittedly the taxes having not been paid, the petitioner incurred disqualification. The findings of facts recorded are not shown to be perverse. Hence, it is not possible to interfere in writ jurisdiction. Writ Petition is dismissed. No order as to costs.

JUDGE

ssw